IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Crl.Rev.Pet.No. 1890 of 2005(A)

CRA.70/2001 of ADDL. SESSIONS COURT (ADHOC I), KALPETTA
CC.383/2000 of JUDL.MAGISTRATE OF FIRST CLASS-II, MANANTHAVADY
.....

REVN. PETITIONER:

AZEEZ, S/O.IBRAHIM,
KAKKATTIL HOUSE, ARINJERMALA,
KANIYAMBETTA.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:

STATE-S.I. OF POLICE,
MANANTHAVADY, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.A. NO. 12966/2005 IN CRL. R.P. NO. 1890/2005

DISMISSED

09.03.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

==========

CRL. R.P. NO. 1890 OF 2005

==========

Dated this the 9th day of March 2007

O R D E R

The revision petitioner stands convicted for the offence under section 482 of the Indian Penal Code and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for one month. The prosecution case is that the accused Nos. 1 to 5 were found in possession of a Jeep having registration No. KLM-7137 on 18.05.1993 with a false Number plate i.e., KLV-378. The original number is KLM 7137. The RC book carrying KLV 378 was also found in possession of the accused. The structure of the jeep was found altered by fitting tanks unauthorisedly.

2. The evidence adduced in the matter consisted of the testimony of PWs 1 to 7 and Exts. P1 to P7. It was found that the vehicle seized is not the one having registration number KLV-378 and that KLV-378 vehicle is registered in the name of Inspector General of Police at Thiruvananthapuram, and the

same is also evidenced from the chasis number and engine number seen in the vehicle. It was also found that chasis number and engine number did not belong to the vehicle having registration No. KLV-378. The revision petitioner is the 1st accused and the rest of the accused were acquitted by the trial court itself. It is the contention of the counsel for the revision petitioner that there is absolutely no evidence to connect the 1st accused with the ownership of the vehicle seized. According to him, he has no connection with the vehicle. The only evidence to establish that he is the owner of the vehicle is the testimony of PW4 the Investigating Officer. He has deposed that he questioned the Joint R.T.O and that the Joint R.T.O has stated that A1 is the owner of the vehicle having Registration No. KLM-7137. The above is the only evidence to arrive at the finding that A1is the owner of the vehicle having Registration No. KLM-7137 which is the seized vehicle and on which the false registration number was found installed. Evidently, the above version of PW4 is in the nature of hearsay and the sole basis of the finding is the version of PW4. In the circumstances, it cannot be held that the

prosecution has established the guilt of the accused beyond reasonable doubts. I find that the court below have not considered the evidence adduced in the proper perspective. In the circumstances, the findings of the courts below are set aside. The accused is acquitted.

The Revision petition is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

RV